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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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IN THE MATTER OF THE COMPLAINT OF  
CONSTITUTION STATE SERVICE LLC,

Plaintiff,

Docket No.: 08CV1005

-against-

**SCHEDULING ORDER**

DNA GALLERY, LLC,

Defendant.

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WHEREAS, the Court issued an Order for a Conference in accordance with Fed.  
R. Civ. P. 16(b) on March 7, 2008 (the "Order"); and

WHEREAS, the Order requires that the parties jointly prepare and sign a  
proposed scheduling order containing certain information;

NOW, THEREFORE, the parties hereby submit the following information as  
required by the Order:

- (1) A conference was held on March 24, 2008.

Counsel appearing:

Patrick J. Corbett  
Rubin, Fiorella & Friedman LLC  
Attorneys for Plaintiff, CONSTITUTION STATE SERVICES  
292 Madison Avenue  
New York, NY 10017

Andrew D. Epstein  
Barker Epstein & Loscocco  
Attorneys for Defendant, DNA GALLERY, LLC  
10 Winthrop Square  
Boston, MA 02110

- (2) PLAINTIFF: It is the position of the Plaintiff that the sole issue herein is for the Court to select an umpire for valuation of a claim, pursuant to the terms of the applicable policy, as described in the Complaint.

DEFENDANT: After the court appoints a third-party umpire under the terms of the policy and after the value of Defendant's claim is established, the Parties should then address Defendant's counterclaims alleging unfair claims settlement practices in violation of Massachusetts General Laws, Chapter 176D and Chapter 93A.

- (3) PLAINTIFF: (a) -(g) It is the position of the Plaintiff that it is not necessary to schedule depositions; the production of documents; nomination of experts, production of expert reports, or expert depositions; or submit a pre-trial order or convene a pre-trial conference.

DEFENDANT:

Discovery should be postponed until after the third-party umpire is appointed and the valuation process is completed. Defendant anticipates that this process will be completed by May 30, 2008.

(a) Depositions should commence as of June 2, 2008 and be completed by September 30, 2008.

Persons to be deposed: Sylvia Wolf, Jannette Barth, Renee Vara, and Patrick Corbett.

(b) Production of Documents: Defendant will request documents by June 2, 2008.

(c) Expert reports in the form of appraisals have already been produced by the parties. Sylvia Wolf, Plaintiff's expert, has already been listed as a witness in part (a) above.

(d) Discovery to be completed by October 17, 2008.

(e) Plaintiff in Counterclaim (DNA Gallery, LLC) will supply pretrial notice to Defendant in Counterclaim (Constitution State Services, LLC) by November 3, 2008.

(f) The Parties will submit trial briefs, proposed findings/rulings or voir dire questions/jury instructions by November 21, 2008.

NOTE: Defendant believes that it may be possible for the Parties to submit the issues raised by Defendant under Massachusetts General Laws, Chapter 176D and 93A, to the court in an agreed statement of facts.

*if not,  
jury trial*

(4) - (8) It is the position of the Plaintiff that is unnecessary to conduct discovery in this matter.

(4) DEFENDANT: None anticipated.

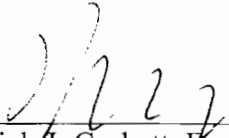
(5) DEFENDANT: None anticipated.


(6) DEFENDANT: The appraisal prepared by Sylvia Wolf and Jannette Barth.

(7) DEFENDANT: Four half-days.

(8) Defendant understands that the scheduling order can be altered only upon a showing of good cause when justice so requires.

(9)

  
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DATED: New York, New York  
March 24, 2008

SO ORDERED:

  
Honorable Shira A. Scheindlin, U.S.D.J.

3/24/08